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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/659,854

09/10/2003

Dong Kyu Lee

2060-3-58

5037

35884

7590

10/19/2007

LEE, HONG, DEGERMAN, KANG & SCHMADEKA

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EXAMINER

AL AUBAIDI, RASHA S

ART UNIT

PAPER NUMBER

2614

MAIL DATE

DELIVERY MODE

10/19/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/659,854

Applicant(s)

LEE, DONG KYU

Examiner

Rasha S. AL-Aubaidi

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. This in response to amendment filed 07/27/2007. No claims have been added. No claims have been canceled. Claims 1, 3, 9, 17 and 20 have been amended. Claims 1-20 are still pending in this application.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ezaki (US PAT # 6, 594, 485) in view of Karras (US PAT # 6,393,113).

Regarding claim 1, Ezaki teaches a method of generating a ring back tone (see col. 11, lines 64) in a first terminal (reads on first radio base 3 transmit a ring back tone, see col. 11, lines 60-65), the method comprising: identifying type of a network to which a second terminal requesting a call setup belongs (col. 5, lines 1-26); generating ring back tone data to be transmitted to the second terminal according to the type of the network (see col. 11, lines 60-67); inserting the ring back tone data into a response

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message to the call setup; and transmitting the inserted response message to the second terminal (see col. 11, lines 60-67).

Ezaki does not specifically teach the ring back tone is generated between two terminals communicating over two different networks. However, Karras teaches a ring back tone generated at the two terminals for subscribers (i.e., 40 and 42) that are located in two different networks (i.e., 32 and 34) (see col. 4, lines 10-17).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of having a ring back tone utilized among subscribers located in different networks, as taught by Karras into the Ezaki system in order to enhance the system's diversity and provide unlimited features to subscribers in different types of networks types of networks. Also, for the claimed feature of communicating over an Internet protocol. This basically reads on initiating communication using a data network (such as the Internet), which is old and well-known feature in the telephony art. Thus, generating and transmitting the ring back tone between the two stations using the Internet is more economical.

Claims 4-5, 9, 13-14, 17 and 20 are rejected for the same reasons as discussed above with respect to claim 1.

Claims 2, 10 and 18 are rejected for the same reasons as discussed above with respect to claim 1. Also, this feature is obvious.

Claims 3 and 12, recite "storing the ring back tone data; and reading the stored ring back tone data according to a "first-in first-out" method so as to insert the ring back tone data to the response message". Storing a ring back tone data according to a "first in first out" is obvious, since "first-in first-out" method is old and well known in the art in the queuing system.

Claim 6 and 15 recite "the type of the network is identified based on a prefix included in the number of the second terminal (see col. 4, lines 42-58).

Claims 7 and 16 and 19 recite "the specific message informs that the network has no function for generating the ring back tone data". See col. 12, lines 1-10.

Claims 8, 11 and 19 recite "if the type of the network is a public switched telephone network, the first terminal generates the ring back tone data". See PSTN network 9 as shown in Fig. 1.

#### ***Response to Arguments***

4. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rasha S AL-Aubaidi whose telephone number is (571) 272-7481. The examiner can normally be reached on Monday-Friday from 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (571) 272-7488.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



RASHA S. AL-AUBAIDI  
PRIMARY EXAMINER

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**10/10/2007**